

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, May 4, 2009 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Phyllis Forbes, Vice-Chairman; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: None

**Call To Order**

Chairman Poteat called the meeting to order at 3:32 p.m.

Chairman Poteat advised there would be a time of public comment but if someone would like to speak to an agenda item they must sign up on the sheet with the clerk.

Chairman Poteat led prayer.

**Proclamations and Awards**

Robert Wiseman, County Manager, explained that May was designated as **Workforce Development Professional Month** to honor all the individuals in the Workforce Development organizations and partnerships who play a vital role in the economy. John Greene with JobLink thanked the Board for all the support that Avery County gives to Workforce Development. Mr. Greene stated that he was here also to ask for recognition of the resolution for Workforce Development Professional Month. He also stated that there would be some stimulus money available to hire a few people to work with dislocated workers. Scott Heath questioned what was the relationship with Workforce Development and JobLink. Mr. Greene stated that JobLink was an umbrella for all the agencies coming together which include employment security commission, workforce development, WAMY, public schools, library system, etc.

**Motion by Phyllis Forbes and second by Scott Heath to adopt a Resolution to recognize Workforce Development Professional Month the month of May. Motion unanimously approved.**

Chairman Poteat shared with the Board a proclamation regarding the National Day of Prayer. He read a resolution from the city of Archdale, North Carolina about the National Day of Prayer which is May 7, 2009 and is the 58<sup>th</sup> consecutive observance. Chairman Poteat stated that he applauded what was being done and was in strong support of the National Day of Prayer. Chairman Poteat advised that this would be a future resolution for this Board.

**Public Comments**

Loretta Smith, Avery County Ordinance Administrator, invited the Commissioners to go on Tuesday, May 5 at 2:30 p.m. to three developments; Terra Nova, Cranberry Creek and Alpine Creek.

Dr. Daniel Barron, Avery, Mitchell, Yancey Library Director, thanked the Board for the support to the Morrison Library, for fixing the leaky roof and for the landscaping that has been completed. Dr. Barron provided the Board with a handout. He stated that the handout was being sent to as many people as possible to let them know about the services that the Library provided to the public.

Bill Baulieu spoke to the Board about a shooting range at the training facility property at Altamont. He stated that he had gotten support from the Avery County Sheriff's Department, police departments, county commissioners, high schools, etc. There are 13,000 licensed hunters and concealed weapons permits. Mr. Baulieu stated that he had went to see Dean Friedman in Raleigh about the forestry property and the need for the shooting range to be public access but was unable to get him to do anything about the situation. He explained that in Las Vegas, Nevada the Land Management Department upset the Senator in that county and he passed a bill through Congress and took the land from the Land Management Department and gave to the county. Mr. Baulieu stated that he felt that the forestry property in Altamont should be given to the county. He also stated that he wanted to know if this was something that the Board would like to have for the citizens of Avery County. Chairman Poteat advised that there was some concern from adjacent landowners about the shooting range. Chairman Poteat instructed the County Manager to meet with Mr. Baulieu and gather data regarding this issue.

Charles Mckinney came before the Board to talk about the Avery County Rescue Squad. He stated that with the help of the county the Avery County Rescue Squad had purchased almost \$500,000 worth of equipment. Mr. Mckinney advised that there were members of the rescue squad that were certified by the state in several different rescue areas. Mr. Mckinney gave each Board member a packet of information for the members to review. He requested to be placed on the agenda at the next Commissioner's meeting.

**Board Appointments**  
**Avery County CDBG Housing Selection Committee**

Michelle Ball, Community Development Planner, stated there needed to be a committee selected for the 2009 Scattered Site Housing Program. Ms. Ball advised that the towns can opt out of the planning process and that this program was available for counties only. To be eligible for this program, the applicant must be low income and an owner occupied house. In the past few years, Beech Mountain, Sugar Mountain and Seven Devils have opted out of the program.

**Motion by Glenn Johnson and second by Martha Hicks to approve the CDBG Housing Selection Committee for 2009 as printed and to further say that any municipality not represented the Board would recognize whom they choose as their representative. Motion unanimously approved.**

**Region D Development Corporation Appointments**

The County Manager stated that the Region D Development Corporation is a certified Development company and partners with lending institutions and the Small Business Administration. One of the main purposes for their existence is to deliver Small Business Association 504 Loans and they contract with a private corporation to assist in marketing and packaging these small businesses that apply for the loans. This is a Region D effort. The majority of the correspondence that takes place is by conference calls. Each county has the same membership requirements and Avery County has four appointments one being a full time employee of a private lending institution, one being designated as a local government representative and two being representatives of business and/or community organizations. All of the four people have agreed to continue to serve; Daryl Smith, Tommy Burleson, Robert Wiseman and Tena Trice.

**Motion by Martha Hicks and second by Glenn Johnson to reappoint Daryl Smith, Tommy Burleson, Robert Wiseman, and Tena Trice to the Region D Development Corporation. Motion unanimously approved.**

**Public Hearing – American Recovery and Reinvestment Act of 2009 Application**

**Motion by Scott Heath and second by Phyllis Forbes to go out of regular session and into a time of Public Hearing for the American Recovery and Reinvestment Act of 2009 Application via the Avery County Transportation at 4:14 p.m. Motion unanimously approved.**

Linda Cuthbertson, Avery County Transportation Director, explained that a public notice was published in the paper for applying for the stimulus money. The advertisement in the paper does list an amount of money but when the official bids came in this was a little less than originally thought. Ms. Cuthbertson stated that she was applying for Federal monies which are 100% monies with no County match. Ms. Cuthbertson said one of the questions asked by the County Manager and others is would there be additional staff which Ms. Cuthbertson stated there would not be any additional positions with this stimulus money.

Chairman Poteat stated that the original expected amount of money was \$438,043 and that has been reduced to \$399,214. The composition of the \$399,214.00 is:

Replacement Vehicles	\$129,900
Expansion Vehicles	\$69,000
Associated Capital	\$26,674
Facility Improvements	\$101,140
Advanced Technology	\$72,500

Chairman Poteat questioned Tim Greene, Finance Officer, if this is 100% Federal match and does not require the 10% matching monies. Tim Greene stated that this is 100% Federal match with no required County match.

Ms. Cuthbertson stated that there is no guarantee in getting these monies. She advised that she would know by June 8<sup>th</sup> if anything or all will be received.

Phyllis Forbes asked what the money for facility improvements would be used for. Ms. Cuthbertson answered that there needed to be a new heating system installed and that a heating system was needed in the wash bays. Also, there needs to be a vestibule added on to the building because of the high winds in the winter that has blown doors off of the hinges.

Ms. Cuthbertson stated that if money is received that they could begin spending money August 1, 2009.

There were no public comments.

**Motion by Scott Heath and second by Phyllis Forbes to go out of the time of Public Hearing and enter back into the Regular Session at 4:25 p.m. Motion unanimously approved.**

Chairman Poteat stated that the Board was back in a time of Regular Session after a brief Public Hearing.

Scott Heath said that he had received a phone call from an elderly couple praising Avery County Transportation for their service to the citizens of Avery County.

**Motion by Glenn Johnson and second by Martha Hicks to approve the American Recovery and Reinvestment Act of 2009 Application. Motion unanimously approved.**

**Tax Collector Report – Mary Daniels**

Mary Daniels, Tax Collector, reported that the total Tax Collections for the month of April 2009 is \$289,915.07; there was one check returned in the amount of \$374.58 which is on the report and recharged to the taxpayer.

**Motion by Scott Heath and second by Martha Hicks to approve the Tax Collector's Report as presented for the month of April 2009. Motion unanimously approved.**

**Tax Assessor's Report – Phillip Barrier**

**Real and Personal Releases**

Phillip Barrier, Tax Assessor, reported that on his report the release for Mr. Fuller was rebilled to the correct owner Mr. Sullivan and Mr. Sullivan has paid his taxes since that time. The Real and Personal Releases for the month of April 2009 are County Tax \$5,499.62 and Fire Tax \$564.50. Chairman Poteat questioned why the multiple mobile homes were the same value of \$2400.00. Mr. Barrier stated that was the threshold that the mobile homes depreciated out to.

**Motion by Phyllis Forbes and second by Glenn Johnson to approve the Real and Personal Releases for the month of April 2009 with the noted change. Motion unanimously approved.**

**Motor Vehicle Releases**

The Motor Vehicle Releases for the month of April 2009 are County Tax \$3.81 and Fire Tax \$0.33.

**Motion by Phyllis Forbes and second by Martha Hicks to approve the Motor Vehicle Releases for the month of April 2009 as presented. Motion unanimously approved.**

Mr. Barrier stated that from August 2008 to April 2009 there had been \$117,387,550.00 property sales in Avery County. Chairman Poteat stated that if the Land Transfer Tax was in effect that would have been \$469,550 for capital outlay for schools. Mr. Barrier said that sales were still averaging over \$3,000,000 in a 5 day week.

Mr. Barrier advised that the Board of Equalization and Review had the first meeting and there were 29 appeals. He stated if a taxpayer wanted to appeal the deadline for application was Wednesday, May 6, 2009 at 3:00 p.m. Mr. Barrier said there were 25,000 parcels of property and there were only 29 appeals. Mr. Barrier added that if a taxpayer is not satisfied with the Board of E&R's decision at the local level, the State will come on the taxpayer's request and do an onsite visit and then proceedings would go from there.

**YMCA Presentation – Meg Julian and Jane Bumgarner**

Meg Julian and Jane Bumgarner spoke to the Board about the YMCA. A power point presentation was given to the Board about the services provided by the YMCA to the citizens of Avery County. Meg Julian explained the Splash Program which is a program to teach all 2<sup>nd</sup> graders in Avery County how to swim. She stated that the program has already served 167 2<sup>nd</sup> graders. Jane Bumgarner advised one of the commitments of the YMCA was to partner with the school system in providing services for the students. She said that last year there was \$85,000 granted to the citizens of Avery County by the YMCA. Ms. Bumgarner stated that a goal of the YMCA was to serve Avery County but not to duplicate services. She said that there were three reasons for the presentation today; one was to inform the Board of Commissioners the services that the YMCA provided; one was to be a part of the County's budget and one was to ask for the Board's support.

Scott Heath stated that there needed to be justification from the YMCA on how the County can provide public monies for a private facility. Ms. Bumgarner stated that the Board of Education did not provide any funds for the YMCA. Mr. Heath advised that possibly the funds should come through the Board of Education instead of coming directly from the Board of Commissioners.

Phyllis Forbes said there needed to be some planning with the Avery Parks and Recreation and YMCA so services would not be duplicated.

**County Manager Updates – Robert Wiseman**

**Jail Update**

Robert Wiseman, County Manager stated that he had spoken with Brennan and Associates and Peter Heimbach of Beeson, Lusk and Street and the plans for the jail were submitted to the appropriate state agencies. The Health and Human Services Agency has sent back to the architectural firm a list that was

about 2 pages of issues that the agency had with the plans as they were presented. The architect met with the jail consultant and put a package together to address all of the issues that the agency had.

#### Subdivision Ordinance

The County Manager advised that the revised and subsequently adopted Subdivision Ordinance has been forwarded to the Division of Community Assistance. He said that after the budget meetings he would meet with Mr. Glenn Rhodes regarding any recommendations or revisions and these would be brought back to the Planning Board and any changes that the Planning Board thought was necessary would be brought back to the Board. The County Attorney stated that Mr. Rhodes had called her last week and indicated that he had received a copy of the Subdivision Ordinance and that he had very few recommendations to make. She said that Mr. Rhodes would give a recommendation on helping the Planning Board get a streamline process in place.

#### Tax Collector Position

The County Manager stated that the Bill to appoint the Tax Collector was submitted by Phillip Frye and has been approved by the House and scheduled to go to the Senate.

**Chairman Poteat called a 3 minute recess.**

#### **Fall Creek Volunteer Fire Department's request to Redistrict EMS Response Areas**

The County Manager explained that in 2003 Watauga Medics was “running their legs off” going to the Watauga side of Beech Mountain to the ski resort. The need for some kind of agreement between Avery and Watauga was obvious to address the Avery County side of Seven Devils, the ski slopes and the Flat Springs area of the Beech Mountain Community. Both counties came to a consensus and what transpired was Watauga County puts up \$50,000 to Avery County and at the end of the year everything is balanced out; a transport is a \$500 charge. He stated that the last billing cycle Watauga County paid Avery County \$56,000. During all of this process a map was devised and basically the northern end of Avery County it was determined at that time would be served quicker from Watauga County and everything south of that would be served by Avery County EMS. The area in question now is the area between Beech Mountain School and where the boundary is shown now. It would appear that for the most part the area Avery County is serving now can be served quicker by Avery County EMS. These issues have served as a basis to recommend that the response areas not be changed at this point in time. The contract that Avery County and Watauga County has is 5 years at a time and the contract was renewed in 2008. The County Manager advised that everyone is after the same thing; the welfare of the people. Chairman Poteat stated that the bottom line is that Avery County provide adequate and quick response which is everyone’s goal. He also said a distinct possibility would be to go to a full time fireman at Fall Creek and possibly every fire department and also a QRV be stationed at Fall Creek Fire Department.

Discussion regarding the response times.

Tony Hunter, Chief of Fall Creek Fire Department, stated that there are a lot of factors that determine the response times. Mr. Hunter referred to a letter that he had from Fred Sullivan, Watauga Medics, which explained that he and one of his employees drove to Beech Mountain School, one from the Watauga County side and the other from Avery County and it took each of them 19 minutes. Mr. Hunter said that there was a response time from Avery County EMS that was 42 minutes. He said it would help to have a full time EMT and with a QRV but they could only do so much and there needed to be quick response times to this area.

Chairman Poteat stated that the Board’s goal was to protect the people of Avery County and that no one was worried about a few dollars in regards to saving someone’s life. He advised that there was a recommendation from the County Manager and at this point in time in his personal opinion was that the County Manager’s recommendation should not be overturned.

Scott Heath advised that his opinion was to work toward getting a QRV at the Fall Creek Fire Department and getting a full time fireman in that area.

Discussion regarding a full time employee at Fall Creek Fire Department.

Chairman Poteat stated that unless one of the Commissioners wanted to form a motion to go against the County Manager’s recommendation that everyone should work toward placing a QRV at the fire department and placing a full time fireman at the department.

The County Manager advised that he would keep a close eye on the actual response times over a few months period of time.

#### **County Attorney Report – Michaelle Poore**

Michaelle Poore, County Attorney, stated that there were conversations about a year ago about placement of a water tank on the property where Avery Middle School is located. She said that she had a proposed resolution for the Board to consider. The Board of Education has indicated that they do not

have use for the property where the water tank would be located and the Board of Education wished to convey to the Town of Newland this property subject to certain considerations. The County Attorney stated that the Board of Commissioners needed to agree that the Board did not want to buy the property from the Board of Education as long as it is conveyed to the Town of Newland. The conditions are that in town rates are provided to the Board of Education by the Town of Newland and no tap fees and if the town no longer used the property for the purpose of providing the storage tank the property would revert back to the Board of Education. The County Attorney advised that she basically needed the Board to indicate they did not wish to buy this piece of property.

**Motion by Scott Heath and second by Martha Hicks to adopt the resolution with one noted change concerning 100,000 gallons between the Town of Newland, Board of Education and Board of Commissioners. Motion unanimously approved.**

**Intersection of Hwy 181 and Avery High School Road**

Scott Heath stated that he had telephone calls from some concerned citizens that felt a street light at the Intersection of Hwy 181 and Avery High School Road would light up the intersection because there had been numerous times when citizens had turned into the old IRC Building instead of the Avery High School Road. Scott Heath asked the County Manager to look into a traffic light or street light.

**Closed Session**

**Motion by Phyllis Forbes and second by Glenn Johnson to go into Closed Session under G.S. 143-318.11 (a) (3) regarding Attorney/Client Privilege and G.S. 143-318.11 (a) (5) regarding Acquisition of Property at 6:30 p.m. The Board, the County Attorney, County Manager and Clerk are all invitees. Motion unanimously approved.**

The Board came out of Closed Session at 6:57 p.m. Chairman Poteat advised that no decision was made or vote taken during Closed Session.

**Approval of Minutes**

**Motion by Scott Heath and second by Glenn Johnson to approve the minutes for the Workshop Session March 9, 2009 and Special Meeting March 27, 2009. Motion unanimously approved.**

**Agenda Consent Items**

**Adopted by Consensus of the Board.**

**Upcoming Meetings**

May 5, 2009 at 2:30 p.m. – Subdivision Tour. May 5, 2009 at 3:30 p.m. at the Board of Education Building meeting with the architect regarding the new Banner Elk School. Next monthly meeting will be May 18, 2009 at 3:30 p.m.

**Adjourn**

**Motion by Glenn Johnson and second by Phyllis Forbes to adjourn this meeting at 7:04 p.m. Motion unanimously approved.**

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**Kenny Poteat, Chairman  
Avery County Board of Commissioners**

ATTEST: \_\_\_\_\_  
Cindy Turbyfill, Clerk